

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1017**

**Introduced by Assembly Member Cogdill**

February 22, 2005

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An act ~~relating to hazardous waste~~, to add Section 374.9 to the Penal Code, and to add Chapter 2.7 (commencing with Section 48208) to Part 7 of Division 30 of the Public Resources Code, relating to waste.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1017, as amended, Cogdill. Hazardous *and solid* waste: illegal disposal of methamphetamine.

#### ~~Existing~~

(1) ~~Existing~~ law prohibits the disposal of any hazardous waste if the disposal is at an unpermitted facility or unauthorized point. A person who is convicted of knowingly disposing of hazardous waste at an unpermitted facility or unauthorized point is subject to imprisonment in a county jail for not more than one year or by imprisonment in the state prison.

This bill would ~~declare the intent of the Legislature to enact legislation that would make the dumping of methamphetamine, methamphetamine byproducts, and all related hazardous materials, on agricultural land, a felony~~. *provide that any person who causes the disposal of any methamphetamine, methamphetamine byproduct, or any related hazardous chemical into or upon any agricultural land, as defined, is subject to imprisonment in the state prison for a term of 12 months, 2 years, or 3 years, and by a fine of not less than \$50 nor more than \$10,000. The bill would create a state-mandated local program by creating a new crime.*

(2) Existing law requires the California Integrated Waste Management Board to implement and administer various solid waste disposal and cleanup programs, including, among others, the Solid Waste Disposal and Codisposal Site Cleanup Program and the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program, for the purpose of ensuring the safe and appropriate cleanup and disposal of solid waste at specified sites.

This bill would establish the Illegal Dumping Prevention Program within the board, for the purpose of developing alternatives to dumping, funding targeted illegal dumping enforcement and related judicial processes, conducting public outreach and education, providing training, and coordinating the program with other existing cleanup programs administered by the board. The bill would require that the program be funded with grant funds, and would authorize the board to hire staff to administer the program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. The Legislature declares its intention to enact~~  
 2     SECTION 1. Section 374.9 is added to the Penal Code, to  
 3     read:  
 4     374.9. (a) For purposes of this section the following  
 5     definitions shall apply:  
 6     (1) "Agricultural land" means any land used for the purpose  
 7     of producing an agricultural commodity for commercial  
 8     purposes.  
 9     (2) "Disposal" has the same meaning as defined in Section  
 10    25113 of the Health and Safety Code.  
 11    (3) "Hazardous chemical" means a chemical that is used or  
 12    intended to have been used in the manufacture of  
 13    methamphetamine, the possession of which is prohibited by  
 14    Section 11383 of the Health and Safety Code.

1 (b) Any person who causes the disposal of any  
2 methamphetamine, methamphetamine byproduct, or any related  
3 hazardous chemical into or upon any agricultural land is  
4 punishable by imprisonment in the state prison for a term of 12  
5 months, two years, or three years, and by a fine of not less than  
6 fifty dollars (\$50) nor more than ten thousand dollars (\$10,000).

7 SEC. 2. Chapter 2.7 (commencing with Section 48208) is  
8 added to Part 7 of Division 30 of the Public Resources Code, to  
9 read:

10  
11 CHAPTER 2.7. ILLEGAL DUMPING PREVENTION PROGRAM  
12

13 48208. The Illegal Dumping Prevention Program is hereby  
14 established within the board, for the purpose of developing  
15 alternatives to dumping, funding targeted illegal dumping  
16 enforcement and related judicial processes, conducting public  
17 outreach and education, providing training, and coordinating the  
18 program with other existing cleanup programs administered by  
19 the board.

20 48209. (a) The program shall be funded with grant funds.

21 (b) The board may hire staff to administer the program.

22 SEC. 3. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the  
27 penalty for a crime or infraction, within the meaning of Section  
28 17556 of the Government Code, or changes the definition of a  
29 crime within the meaning of Section 6 of Article XIII B of the  
30 California Constitution.

31 ~~legislation that would make the dumping of methamphetamine;~~  
32 ~~methamphetamine byproducts, and all related hazardous~~  
33 ~~materials, on agricultural land, a felony.~~